

OSHA's Focused Inspection Program in Construction

Journeyman Technical Information Paper 1



What are focused inspections?

Focused inspections are a new procedure for construction safety inspections. The typical inspection would cover each area of a construction site. Focused inspections cover only parts of a site.

A focused inspection results if a contractor has a complete safety and health program that includes employee training and participation. This type of inspection occurs only when:

- There is project coordination by a general/prime contractor,
- There is a competent person on the project, and
- There is communication (written or oral) among contractors before the start of any unusual or very hazardous operation.

The inspector will interview workers about their training to recognize hazards, their involvement in the safety and health program, and how quickly identified hazards are corrected.

When the OSHA inspector determines that an effective safety and health program and project-specific plans are in place and full implemented, the inspector will look for four types of hazards:

- Fall
- Struck-by
- Caught-in-between
- Electrical.

Where is the focused inspection program used?

Focused inspections are being implemented in the 27 states covered by the federal OSHA standards. Of the 23 states covered by OSHA "state plans," inspectors in Alaska, Arizona, Iowa, Kentucky, Maryland, New Mexico, North Carolina, Vermont, Virginia, and Washington did focused inspections in 1996.

Why is OSHA using focused inspections?

Despite the 1970 Occupational Safety and Health Act, construction workers in the United States are more likely to be killed on the job than in many other countries. Injuries kill more than 1,000 each year. Many more construction workers are seriously or permanently injured. 90% of the deaths are linked to four hazards:

- Falls from elevations (about 330 deaths a year)
- Struck by (about 220 deaths each year)
- Caught in/between (about 180 deaths each year)
- Electrical shock (about 170 deaths a year).

OSHA believes its new policy enables inspectors to use their professional judgement to determine when there is a full implemented safety and health program at a project. As soon as this has been determined, the inspector will review worksite conditions relating to the four hazards indicated above. If no violations are found, the inspector will end the inspection.

OSHA believes their inspectors should spend a shorter amount

of time on projects with effective safety and health programs. The new approach, with its focus on four hazards, takes about one-quarter to one-third the time of a full inspection. Thus, inspectors can inspect more projects, especially sites lacking safety and health programs.

The approach assumes that:

- There is coordination among all project contractors regarding safety and health issues
- Responsible contractors have effective safety and health program
- Adequate programs cover all safety and health hazards likely to turn up in construction work
- Having a competent person responsible for implementing the program shows commitment to preventing and solving safety and health problems
- Worker participation also shows employer commitment and raises employee awareness.

How do focused inspections work?

Contractors must meet certain criteria for a focused inspection. Even when contractors qualify, complaints or deaths will be investigated using traditional methods before the focused inspection is done. And if inspectors find serious violations during a focused inspection, they may decide the program is not effective and do a complete inspection.

As in other inspections, worker representatives are invited to go with the OSHA compliance officers to assist in the inspection. The reps should be chosen by the union(s) or workers on site.

In a focused inspection, the OSHA inspector will do five things:

1. Find out if there is a comprehensive safety and health program covering all employers on the project and a designated competent person (s).

The inspector asks officials of the “controlling” or overall/general contractor, for a paper copy of the program. If there isn’t a document, the inspector asks the competent person on site about the program and how it is used by all contractors on the site. That person must be able to demonstrate knowledge of the law, the ability to recognize hazards, and authority to implement solutions.

The program must assure compliance with OSHA regulations. OSHA also has guidelines about good programs (see Resources list, below). If there seems to be no coordination among contractors, a full inspection will normally take place.

2. Ask questions to ensure the program works.

The inspector will look for evidence the program works. OSHA 200 logs will be checked. Inspectors also talk to workers, foremen, superintendents, and safety reps about how the program is run and by whom the most important safety hazards on the project, and how workers are trained. Workers are expected to have participated in setting up and implementing the program this usually means a joint safety and health committee with worker representatives from all trades on site, selected by the workers or union(s). Evidence of a comprehensive safety and health program would include wash-up facilities and effective housekeeping.

The inspector looks for such things as evidence of a fall protection system, compliance with excavation procedures, and safety railings.

Workers must be trained about possible hazards and how to

avoid them. Topics range from general safety and health hazard awareness to knowledge of chemicals (such as asbestos and lead). Other topics workers should be trained on include fall protection, underground construction, ladders, ground-fault protection, and compressed air. (These rules are all in 29 CFR Part 1926, the OSHA construction standard.)

3. Concentrate on the four major hazards during the inspection.

If the site qualifies, the inspector limits the inspection to the four hazards. This means the inspector:

- Looks at a “representative” part of the site
- Talks to employees and supervisors
- Watches work being done.

4. Write citations, if any of the major safety hazards are found, but not for “other than serious” hazards that are fixed immediately.

An inspector is not to cite (write up) problems considered “other than serious” if they are fixed as the inspector watches. However, serious legal infractions and other-than-serious violations that are not fixed right away must be cited. Finding serious problems does not automatically change the inspection from partial to comprehensive, although the inspector usually will decide to expand the inspection.

If citations are issued, contractors who qualify for a focused inspection will normally get a 25% reduction in the assessed monetary penalty because of their “good faith” in having a program

5. Justify why a focused or comprehensive inspection is done.

All contractors and employee reps on a site will be told what type of inspection is being done and why. This can be done in person or on an OSHA form, which the inspector can give out at the site to be posted.

Making focused inspections work for you

Here are suggestions about how to take advantage of focused inspections as an employer, worker, or union rep. The results can save money (in compensation costs, fines, and liability) and lives.

General contractors/employers

- Have a competent person who is properly trained, knows how to identify and solve safety and health problems, and has the authority to resolve them.
- Set up a joint safety and health committee with at least 50% worker representation, chosen by the workers or unions.
- Ensure all trades and subcontractors are represented on the committee (membership will change as the project goes on, but think of ways to get continuity).
- Ensure that committee reps can fully participate, without fear of retaliation.
- Develop, implement, and evaluate a complete safety and health program with the committee and the designated person (remembering health hazards are also important).
- Do at least the minimum required by law to:
 - Train workers and supervisors about hazards and their prevention and emergency procedures for when things go wrong
 - Provide hazard information to workers and their representatives
 - Ensure supervisors' job descriptions consider safety and health as much as production
 - Conduct frequent and regular inspections of the worksite
 - Respond to safety and health complaints and questions quickly and respectfully
 - Keep accurate OSHA 200 logs (if the employer has 11 or more employees)
 - Ensure rules are followed.
- Have regular and meaningful toolbox meetings.
- Get and keep accessible all relevant OSHA and industry safety and health materials.
- Make sure subcontractors know about and use the program
- Allow time for safety and health meetings, including preparation and follow-up.
- Go beyond OSHA rules, for they are the minimum required (remembering the general duty clause in the law may be used to cover hazards for which there are no specific regulations).
- Ensure problems the committee identifies are fixed (or the committee gets a response) within a set time.

Workers/unions

- Push for local union and joint safety and health committees.
- Train stewards about safety and health law and what joint committees should do.
- Push to have every worker get at least 10 hours of OSHA hazard awareness training.
- Coordinate with other trades about safety and health issues.
- Don't let the safety focus take away from health issues such as heavy lifting noise, breathing dusts (such as, silica, asbestos, or lead) and working with chemicals.
- Insist on a safety and health program that includes:
 - Real worker participation to identify and fix problems
 - Short-term and longer-term solutions
 - Regular and useful toolbox meetings that often use stewards/ reps
 - A process that encourages workers to identify and report hazards
 - Disciplinary procedures (including dismissal) for superintendents or foremen who don't implement safety and health rules or the program
 - Time limits for fixing things and evaluating the solution(s) to ensure the work
 - Worker participation in OSHA inspections or investigations
 - A written policy that there will be no discrimination or adverse consequences for safety and health committee members doing their jobs or for workers and others who report hazards.
- Ensure that the worker "representative" acts on behalf of all workers on site and seeks to identify any hazard, not just hazards affecting one craft.
- Help inspectors to identify all serious hazards, whether or not they are in one of the four categories for focused inspections
- Encourage workers to fill out OSHA 200 forms for all injuries and exposures that may cause problems later (such as, asbestos)
- Remember: OSHA rules are the minimum required of employers.

For more information:

OSHA

Documents on the OSHA Internet web site (<http://www.osha.gov>)

- The regulation that includes information on inspections and competent persons is 29 CFR 1926, Subpart C., General Safety and Health Provisions. Copies are available from local OSHA offices.
- 1926.20, 1926.21, and related general safety and health provisions are explained in *Clarification of Citation Policy*, dated 6/22/87. Copies are at http://www.osha-slc.gov/OshDoc/Directive_data/STD_3-1_1.html
- *Guidance to compliance officers for focused inspections in the construction industry*. Memorandum for OSHA Regional Administrators from James Stanley, Deputy Assistant Secretary, OSHA, Department of Labor. August 22, 1994.
- The rule saying inspectors do not have to inspect an entire construction site is found in Compliance Directive 2.103, September 26, 1994, *Field Inspection Reference Manual*, chapter II, section A.1.b.
- *Construction focused inspections initiative. Handout for contractors and employees* (part of the "Guidance" listed above)
- Safety and health program management guidelines. They were published in the *Federal Register* on January 26, 1989 (54 FR 3904). Copies are available from local OSHA offices.

National, regional, and state-plan offices

Contact your local area office or your state plan office. These are some telephone numbers for federal OSHA:

The national OSHA office of Construction Services (Washington, D.C.) 202-693-2020 (fax 202-219-6599)

Jim Boom 202-693-1707

Anthony Brown 202-693-2492

Ask for the **construction coordinator** at each regional office:

Region I (Boston) 617-565-9860

Region II (New York) 212-466-2482

Region III (Philadelphia) 215-596-0550

Region IV (Atlanta) 404-562-2300

Region V (Chicago) 312-353-8971

Region VI (Dallas) 214-767-4736

Region VII (Kansas City) 816-426-5230

Region VIII (Denver) 303-844-1600

Region IX (San Francisco) 415-975-4305

Region X (Seattle) 206-553-5930

These are phone numbers for OSHA **state plans**:

Alaska, 907-269-4940

Arizona, 602-542-5795

California, 415-972-8500

Connecticut, 860-566-4550

Hawaii, 808-586-9116

Indiana, 317-232-2688

Iowa, 515-281-3606

Kentucky, 502-564-7360

Maryland, 410-767-2189

Michigan, 517-322-1851

Minnesota, 612-296-2116

Nevada, 702-687-5240

New Mexico, 505-827-4230

New York, 518-457-5508

North Carolina, 919-662-4575

Oregon, 503-378-3272

Puerto Rico, 787-754-2172

South Carolina, 803-734-9631

Tennessee, 615-741-2793

Utah, 801-530-6901

Vermont, 802-828-2765

Virgin Islands, 809-773-1994

Virginia, 804-371-0442

Washington, 360-902-5580

Wyoming, 307-777-7786

ANSI publications

• *Safety and health program requirements for multi-employer projects* is published by ANSI (American National Standards Institute) as ANSI A10.33. It can be bought from ANSI, 11 West 42nd Street, New York, New York 10036, 212-642-4900, and is available at some libraries.

• *Basic elements of an employer program to provide a safe and healthful work environment* also comes from ANSI as ANSI A10.38.

Industry programs

Industry safety and health programs. Check out construction industry organizations.

Union programs

BCTD

Building and Construction Trades Department
1155 15th Street, NW, 4th Floor
Washington DC 20005
Tel: 202-347-1461
Fax: 202-628-0724

BCTD Research Arm

The Center to Protect Workers' Rights
111 Massachusetts Avenue, NW 5th Floor
Washington DC 20001
Tel: 202-962-8490
Fax: 202-962-8499 Tel: 202-737-8320
Fax: 202-737-2754

BCTD Affiliates

International Association of Heat and Frost
Insulators and Asbestos Workers
1776 Massachusetts Avenue, NW, #301
Washington DC 20036
Tel: 202-785-2388
Fax: 202-429-0568

International Union of Bricklayers and Allied
Craftworkers
815 15th Street, NW
Washington DC 20005
Tel: 202-783-3788
Fax: 202-393-0219

United Brotherhood of Carpenters and Joiners
of America
101 Constitution Avenue, NW
Washington DC 20001
Tel: 202-546-6206
Fax: 202-543-5724

International Brotherhood of Electrical Workers
1125 15th Street, NW
Washington DC 20005
Tel: 202-833-7000
Fax: 202-467-6316

International Association of Bridge, Structural,
Ornamental and Reinforcing Iron Workers
1750 New York Avenue, NW, #400
Washington DC 20006
Tel: 202-383-4800
Fax: 202-638-4856

Laborers' International Union of North America
905 16th Street, NW
Washington DC 20006

International Union of Operating Engineers
1125 17th Street, NW
Washington DC 20036
Tel: 202-429-9100
Fax: 202-778-2619

International Brotherhood of Painters and Allied Trades
1750 New York Avenue, NW
Washington DC 20006
Tel: 202-637-0700
Fax: 202-637-0771

United Union of Roofers, Waterproofers and
Allied Workers
1660 L Street, NW, Suite 800
Washington DC 20036-5603
Tel: 202-463-7663
Fax: 202-463-6906

Sheet Metal Workers' International Association
1750 New York Avenue, NW
Washington DC 20006
Tel: 202-783-5880
Fax: 202-662-0894

International Brotherhood of Teamsters
25 Louisiana Avenue, NW
Washington DC 20001
Tel: 202-624-6800
Fax: 202-624-8102

United Association of Journeymen and
Apprentices of the Plumbing and
Pipe Fitting Industry of the
United States and Canada
901 Massachusetts Avenue, NW
Washington DC 20001
Tel: 202-628-5823
Fax: 202-347-4938

Definitions

Abatement date - Deadline given by OSHA for removal or control of a hazard.

Citation - The notice OSHA sends to employers and to local unions describing a hazard, the OSHA standard or section applicable to the hazard, the date for abatement, and the penalties. Citations are alleged for 15 working days after the employer receives them. During this 15-day period, the employer and employee representatives can ask for an informal meeting with the office that issued the citations. The employer can ask for a deletion of a citation or penalty. The employer or employee representative can ask for a change in the abatement date. Proof of abatement is required under 1903.19.

Competent person - Someone who is capable of identifying existing and predictable hazards in the surroundings or working conditions that are unsanitary, hazardous, or dangerous to employees and who has authorization to take prompt, corrective measures to eliminate them.

Inspections

Comprehensive - The OSHA *Field Inspection Reference Manual* (1994) says this is a “substantially complete” inspection of areas that may have a fair number of hazards. It does not mean that all possible hazards are inspected.

Partial - The OSHA *Field Inspection Reference Manual* says this type of inspection is *focused* on certain areas, operations, conditions, or practices that may be hazardous. During an inspection, it may become obvious that a focused inspection is not enough. In such a case, the inspector can use “professional judgment” to expand the inspection.

Program - A safety and health program usually starts with a written policy statement that spells out the goals of having a safe and health workplace. The rest of the document should explain how the safety and health laws and regulations are to be obeyed, in plain language. The program should cover everything from reporting accidents and where data sheets are kept to training, toolbox meetings, and procedures for entering confined spaces.

Safety and health committee - A committee that can be set up in a union or union local to investigate safety and health problems, train union members, or represent members’ interests in dealings with government, employers, or other unions. Joint committees are required by law in Canada and some other countries, but few states require them in the United States. Even if not required, a committee can be set up by contract or agreement with the employer. Construction site committees are usually multi-union, with at least half the committee members representing unions on the job.

Violation - A citation from OSHA indicating that a specific part of the OSHA law or regulation was not obeyed or used.

Serious - OSHA believes it is likely that a worker could die or be seriously injured by the situation.

Other-than serious - Death or serious physical harm is not the most likely result from a hazardous situation. However, the problem does have a direct and immediate relationship to a worker’s health or safety.

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